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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,407

03/25/2004

Jean-Marc Girardin

14654

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12/01/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,407

Applicant(s)

GIRARDIN, JEAN-MARC

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-22 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 23 and 29-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the docking shoe mounted on (or rigidly attached to) the support frame and the anchor mounted on the floor of claims 1, 13, 20, and 24; the second docking shoe of claims 21 and 28-33; rigidly attaching the docking shoe to the support frame of claim 24; rigidly attaching the anchor on the floor of claim 24; and the moving of the wheelchair of claim 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The disclosure is objected to because of the following informalities: on page 5, line 14 and 22, "member" should perhaps be inserted after "wedge". On page 6, line 8, "member" should perhaps be inserted after "wedge". Appropriate correction is required.

*Claim Objections*

3. Claims 11-12, 17, 23-24, and 32 are objected to because of the following informalities: Claims 11 and 12 both depend from a canceled claim (claim 10). Perhaps these claims should instead depend from claim 1. For the purposes of examination, these claims will not be further treated on the merits.

Claim 17, line 2, "a" should be inserted before "powered".

Claim 23, line 3, "show" should be "shoe".

Claim 24, line 3, "an" should be inserted before "anchor". On line 4, "an" should be inserted before "arm".

In claim 32, line 1, "a" should be inserted before "powered".

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 7, 13, 19-22, 24-25, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by East et al.

East et al. (5,794,908) disclose a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame 18, 118, 19 adapted for rigid attachment to said wheelchair; docking shoe 48, adapted for rigid attachment to either one of said support frame and said floor; an anchor 13, adapted for rigid attachment to the other of said support frame and said floor; and an arm 46 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor and adapted for sliding and locking engagement in said docking shoe.

With regard to claim 7, said docking shoe is mounted on said floor of said vehicle and said anchor is mounted on said support frame on said wheelchair.

In addition, the anchor comprises a second docking shoe (vertical part of member 12) and said arm 46 is adapted, at each longitudinal end thereof, for releasable locking engagement with a respective one of said docking shoe 48 and said second docking shoe.

Alternatively, East et al. disclose a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame 18, 118, 19 adapted for rigid attachment to said wheelchair; docking shoe 12, 13, adapted for rigid attachment to either one of said support frame and said floor; anchor 48, adapted for rigid attachment to the other of said support frame and said floor; and arm 46 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor and adapted for sliding and locking engagement in said docking shoe. The docking shoe is mounted on said support frame on said wheelchair and said anchor 48 is mounted on said floor.

East et al. (5,794,908) inherently disclose a method for securing a wheelchair to the floor of a vehicular conveyance, comprising: rigidly attaching a support frame 18, 118, 19 to said wheelchair; rigidly attaching a docking shoe 48, to either one of said support frame and said floor; rigidly attaching anchor 13 to the other of said support frame and said floor; rigidly mounting arm 46 on said anchor so that, when in operative position, said arm lies in a substantially vertical plane; and moving said wheelchair on said floor so as to vertically align said docking shoe and said anchor one above the other and so that said docking arm moves into sliding and locking engagement in said docking shoe. The docking shoe includes a locking device adapted to be manually releasable.

6. Claims 1, 7, 13, 19, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Constantin,

Constantin (4,690,364) discloses a wheelchair docking system for releasably securing a wheelchair to the floor of a vehicular conveyance, comprising: support frame 24a, 24b adapted for rigid attachment to said wheelchair; docking shoe 5, 8, 9, 10, adapted for rigid attachment to either one of said support frame and said floor; anchor 35, adapted for rigid attachment to the other of said support frame and said floor; and arm 3 adapted, when in operative position, for rigid mounting in a vertical plane on said anchor and adapted for sliding and locking engagement in said docking shoe, wherein engagement between the anchor 35 and the shoe is “substantially” the only securement of the wheelchair to the vehicular conveyance. Besides the engagement of end sections 24A, 24B, the anchor/shoe engagement is the only securement of the wheelchair,

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therefore, this engagement is “substantially” the only enegagement since no additional ropes or straps are used to “tie down” the wheelchair.

With regard to claim 7, said docking shoe is mounted on said floor of said vehicle and said anchor is mounted on said support frame on said wheelchair.

Constantin inherently discloses a method for securing a wheelchair to the floor of a vehicular conveyance, comprising: rigidly attaching a support frame to said wheelchair; rigidly attaching a docking shoe, to either one of said support frame and said floor; rigidly attaching anchor to the other of said support frame and said floor; rigidly mounting arm on said anchor so that, when in operative position, said arm lies in a substantially vertical plane; and moving said wheelchair on said floor so as to vertically align said docking shoe and said anchor one above the other and so that said docking arm moves into sliding and locking engagement in said docking shoe.

The docking shoe includes a locking device adapted to be manually releasable.

The docking shoe includes a locking device adapted to be electrically releasable.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 5-6, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constantin in view of Budd et al.

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Constantin lack the specific docking means including spring loaded wedge means.

Budd et al. (6,352,396) teach the well known prior art (Figures 1-2) including a spring loaded wedge means adapted to releasably lock an arm means (not shown) in a docking shoe means.

With regard to claims 3 and 15, Budd et al. include pivotally mounted lever means, operatively connected to said spring loaded wedge means, and adapted to move said wedge means from a locked position to an unlocked position so as to release said arm means.

With regard to claims 5 and 17, including powered means to operate said lever means.

With regard to claims 6 and 18, said powered means comprises an electrically operated solenoid switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the spring loaded wedge means as taught by Budd et al. for the docking shoe means of Constantin in order secure the arm means in place to hold the wheelchair.

9. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constantin, as modified.

Constantin, as modified, lacks the lever means being manually operated.

Constantin teach the importance and desirability of providing mechanical and manual operation for a wheelchair locking assembly in case of electrical failure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the lever means being manually operated as taught by Constantin in order to accommodate a wheelchair in the event of an electrical failure. Additionally, providing



a manual activity to replace a mechanical or automatic means which would accomplish the same result involves only routine skill in the art.

*Allowable Subject Matter*

10. Claims 23 and 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hilary Gutman  
November 22, 2005